

BOUNDARY LINE BETWEEN LAND OF THE UNITED
STATES AND MISSOURI.

[To accompany bill H. R. No. 416.]

JANUARY 28, 1835.

Printed by order of the House of Representatives.

WASHINGTON, *January 27, 1835.*

SIR: Yours of the 23d instant, requesting my opinion as to the propriety of ratifying the Chicago treaty, and the danger of collision that will probably arise from placing the Indians between the white population and the river Missouri, was received this morning. In reply, I hasten to observe that the small strip of land lying between the Missouri river and the State of Missouri is, compared with the country lying north of the State line, an unfavorable location for the Indian tribes. In the fall of 1833 I held a council with the Ioways, and the little band of Sacs and Foxes, living on this strip, who complained of the great difficulty attending their present situation, on account of the contiguity and encroachments of white men in the State; and all the chiefs desired me to make a treaty for their removal to land lying north of the State line. Not being authorized to make this treaty, I did not attempt it, but have recommended the subject to the favorable consideration of Government.

I have understood that the Pottawatamies are willing to receive other land in equal amount for that lying south of the north line of Missouri extended. If this can be done, I have no doubt it would be advantageous to all parties concerned. The Government would realize the value of the land; but, more especially, the Pottawatamies would have an excellent location—one far less likely to be interrupted by the encroachments of white neighbors. The State of Missouri might hereafter be accommodated with a good natural boundary, several excellent water privileges, and additional landings on the navigable waters of the Missouri for 140 miles.

The ratification of the Chicago treaty will prevent the future disposal of this narrow strip to Missouri. Hence, I consider it highly important that the Pottawatamies should make an exchange of part of the lands embraced within the original treaty. It may be proper to state, that from the concurrent testimony of all persons residing on the Missouri, as well as from a personal view from the opposite side of the river, the location of the Pottawatamies north of the land in question will give them a rich and fertile tract, equal to that of any tribe already migrated. It ought to be noticed, that the general expectation that the Chicago treaty would be modified, has emboldened many squatters to enter upon the lands in question, in hopes of fixing their future residence. I have, therefore, no hesitation in giving my opinion as to the expediency of altering the Chi-

cago treaty so as to confine the Pottawatamies north of the little strip now wanted by the State of Missouri.

Having given this opinion, permit me to say that I believe it practicable, with little expense or delay, to remove the Indians now on this strip of land, and to extinguish any remaining right in the red men for hunting or other privileges; and this removal and extinguishment I would respectfully recommend, before the State jurisdiction is extended to the waters of the Missouri.

Yours, most respectfully,

HENRY L. ELLSWORTH.

Hon. L. F. LINN, *Senator*.

WASHINGTON, *January 26, 1835.*

SIR: Your communication of the 24th instant, requesting my opinion upon several points connected with the slip of land between the western boundary line of the State of Missouri and the Missouri river, has been received.

The land in question has never been (to my knowledge) allotted to any particular tribe of Indians, but held and considered a common hunting ground for several different tribes.

As to any injury resulting to any of the tribes by annexing this strip of land to the State of Missouri, I can conceive of none whatever: on the contrary, the Ioways and a small band of the Sacs, who now reside upon the upper end of it, are dwindling down to nothing; they are constantly drunk, killing each other, and in continual broils with their white neighbors of Clay county, whose cattle, horses, and hogs, range by hundreds across the line quite into the Missouri bottoms.

I passed through several of these bottoms last fall, in some of which I saw from seven to eight hundred head of horned cattle, besides horses and hogs in great numbers, belonging to the people of Clay county.

There is now scarcely any wild game to be found on this slip; the Indians, therefore, are not unfrequently driven by hunger to kill a hog or a beef belonging to the whites; and should a still more hungry wolf take the same liberty, it is charged to the poor Indians, many of whom have been tied to a tree, stripped, and severely flogged, upon bare suspicion. Indeed, the condition of the Ioways is at this moment such as to render it necessary that the Government of the United States should have them removed, as early as practicable, to some other place.

With this knowledge of the present condition of the Ioways residing on the upper end of this strip of land, you can judge what would be the state of other tribes if located lower down, where the land is much narrower in its limits, and the neighboring white population more dense.

The strip of land referred to, running with the line of the State from the mouth of the Kansas river to the northwest corner of the State, is one hundred miles in length; and from the mouth of the Kansas river, following the meanderings of the Missouri river until you arrive opposite the northwest corner of the State, is about one hundred and fifty miles; the breadth varies from one to two, four, six, ten, twenty, and up to thirty miles, affording a general average of about fifteen miles.

I have explored this strip of land from end to end more than once, and find it has been laid down upon the maps much wider than it really is. The soil is good, well timbered, and finely watered, with a number of the best mill seats in all the Western country.

Add this strip to Missouri, and you give her one hundred and fifty miles of steamboat navigation along her western border. Withhold it, and the inhabitants near the north line will be obliged to haul their produce a distance of from one to one hundred and fifty miles, before reaching a boat for shipment to the lower country; and whilst performing this journey, they would be constantly near, and frequently in sight of, the Missouri river.

To locate Indians upon this strip of land, would, in my opinion, ensure their destruction. It is impossible they should be happy or prosperous upon it.

The Government has plenty of good land north and west of the State of Missouri, for all the purposes of the Indians; therefore, to locate any of them upon the tract in question, would, in my judgment, not only be impolitic as regards them, but inconvenient to the people, and prejudicial to the interests of the State of Missouri.

I have the honor to be,

With great respect,

Your obedient servant,

JNO. DOUGHERTY,

Indian Agent.

General WILLIAM H. ASHLEY,

House of Representatives.

To the honorable the Congress of the United States of America :

The memorial of the General Assembly of the State of Missouri respectfully shows, that many inconveniences have already arisen, and others are expected to arise, from the improvident manner in which certain parts of the boundaries of this State have been designated. When this State Government was formed, the whole country on the west and north was one continued wilderness, inhabited by none but savages, and but little known to the people or the Government of the United States. Its geography was unwritten, and none of our citizens possessed an accurate knowledge of its localities, except a few adventurous hunters and Indian traders. The western boundary of the State, as indicated by the act of Congress of the sixth of March, eighteen hundred and twenty, and adopted by the constitution of Missouri, is "a meridian line passing through the middle of the mouth of the Kansas river, where the same empties into the Missouri river," and extends from the parallel of latitude of thirty-six degrees and thirty minutes north, "to the intersection of the parallel of latitude which passes through the rapids of the river Des Moines." The part of this line which lies north of the Missouri river, has never been surveyed and established, and consequently its precise position and extent are unknown. It is believed, however, that it extends about one hundred miles north from the Missouri river, and almost parallel with the course of the stream, so as to leave between the

line and the river a narrow strip of land, varying in breadth from fifteen to thirty miles. This small strip of land was acquired by the United States from the Kansas Indians, by the treaty of the third of June, eighteen hundred and twenty-five, and is now unappropriated, and at the free disposal of the General Government.

Aware that it has been, and now is, the policy of the Government to remove the Indians yet remaining in the United States to the country west of the Missouri and Arkansas, we cannot suppress the expression of our fears of the many and great calamities which may be brought upon this State by crowding our frontier, already surrounded by restless hordes of native savages, with a mixed multitude of foreign Indians, amounting, as we are informed, to about one hundred thousand. The greater part of the country west of this State is destitute of wood, and poorly supplied with water. The buffalo have disappeared before the white man, and have fled from the sound of the rifle; and such is the growing scarcity of game, that even the aboriginal tribes of that region are annually thinned by famine. The Government cannot be ignorant of their wretched condition, for the melancholy truth is forced upon the attention of the nation, by the public officers stationed on this frontier. The Superintendent of Indian Affairs at St. Louis, more than three years ago, in an official letter addressed to the Secretary of War, discloses a degree of suffering and misery among our Indian neighbors, inconceivable to those who are ignorant of their improvident habits and precarious mode of life. He declares "that the living child is often buried with the dead mother, because no one can spare it so much food as would sustain it through its helpless infancy."

If such be the deplorable condition of the native tribes, what horrors may we not anticipate when the frontier shall be surcharged with the jarring nations from the interior of the State. Without a system of judicious legislation, and the constant interposition of the strong arm of the Government, war will be the inevitable result. Already the official reports of the War Department manifest the inability of the Executive to preserve the peace of the frontier, without the intervention of Congress; and the necessity will soon become apparent to create a force more active and efficient than the ordinary material of the army, to protect the whites from the Indians, and the Indians from each other.

If the Indian tribes alone were to suffer by this policy, we should leave them in their misery to the wisdom and humanity of Congress. But we, too, are involved in the evils of their lot. Our frontier inhabitants must suffer by their famine, and will be forced to participate in their wars. If divided from us by an ideal line only, those who are beaten in war, or are suffering with hunger, will fall back upon our settlements for safety and food. If these be denied them, or inadequately granted, the nation is at once in a state of war, for the vanquished will flee from death; and it is idle to talk about the principles of law and the rights of property to starving men with arms in their hands. When our affairs shall arrive at this crisis, we must destroy them, or fall by their hands. All experience proves that men of such opposite habits and conditions cannot live in contact with each other in harmony and peace; their discordant habits will conflict and irritate; the mingling of their horses and cattle in a common pasture will produce continual quarrels; and the imprudence and the

crimes of individuals will provoke the vengeance of communities already viewing each other with mutual fear and hatred. This picture, it is believed, will not be considered overcharged; but if the Government, in its wisdom to get rid of the great difficulty connected with the existence of Indian tribes within the boundaries of sovereign States, should think proper to place them on our borders, we call upon the General Government to adopt a system of defence for us commensurate with the danger.

These considerations seem to us sufficiently obvious to impress upon the public mind the necessity of interposing, whenever it is possible, some visible boundary and natural barrier between the Indians and the whites. The Missouri river, bending, as it does, beyond our northern line, will afford that barrier against all the Indians on the southwest side of that river, by extending the northern boundary of this State in a straight line westward, until it strikes the Missouri, so as to include within this State the small district of country between that line and the river, which we suppose is not more than sufficient to make two, or, at most, three respectable counties.

Aside from considerations connected with the peace and safety of the frontier, there are other, and all-sufficient reasons for this addition to the State. Our western line, as it is now supposed to run, from the mouth of the Kansas, north, is about one hundred miles long, and the country is settled, and is rapidly settling, to its utmost verge. The Missouri is the only great highway of this region, and the only means of conveying its productions to market. Without this addition, those who may settle near the northwest corner of the State will have one hundred miles of land carriage to the nearest point of their only great road to market, or will be compelled (in order to reach the nearest point of navigation) to pass, for twenty or thirty miles, through a savage, and perhaps a hostile country. A view of the map will prove this position.

The district of country in question is represented to be as rich, as beautiful, and as well adapted to all the purposes of agriculture, as any in the West, and to abound in creeks and rivulets, which afford excellent sites for all the mills and machinery which the densest population and the highest culture can require. While we consider that the incorporation of this slip of country with Missouri would produce a considerable addition to the revenue of the General Government from the sale of the public lands therein, and is necessary to the commerce of a large portion of this State, and to the peace and safety of the frontier, we do not hesitate to declare that it is, in our opinion, inconvenient and unsuitable for the Indians. Its contact with the white settlements, with no barrier between, and its proximity to the Delaware Indians, who are located by the Government on the opposite side of the river, forbid the hope of their subsistence by the chase; and the history of our country affords no example of a savage community forsaking at once their hereditary habits and settled prejudices, to practise the arts and enjoy the comforts of civilized life.

In every view, then, we consider it expedient that the district of country in question should be annexed to, and incorporated with, the State of Missouri; and to that end we respectfully ask the consent of Congress.

Your memorialists further represent, that the northern boundary of this State, as indicated by the act of Congress of the 6th of March, 1820,

and adopted by our constitution, is the parallel of latitude which passes through the rapids of the river Des Moines, extending on that line from the northwest corner of the State "to the middle of the channel of the main fork of the said river Des Moines; thence, down along the middle of the main channel of said river Des Moines, to the mouth of the same, where it empties into the Mississippi river." This line is vague and indefinite. The country on the Des Moines is still unsettled and comparatively unknown, although the flood of migration, now pouring into this State, is rapidly tending to that border. We are not informed of the exact local position of the "rapids of the river Des Moines," nor whether those rapids are occasioned by a single obstruction of the stream, so as to indicate the precise position of the line, or are produced by a succession of shoals, extending, like the rapids of the Mississippi, for many miles. And if, on examination, it should be found that the course of the Des Moines, like that of the Mississippi, is disturbed by different rapids, with long intervals of a smooth current between them, it may well be doubted which of the rapids shall indicate our northern boundary. And we consider it highly important that the line in question should be definitively settled, and distinctly known, before the white settlements, now rapidly spreading, shall reach the borders, and before the possibility of a conflict with the Indian tribes which we have reason to apprehend may be removed to that frontier. And to that end we respectfully request that Congress will take such measures as to their wisdom and justice shall seem most proper.

Your memorialists further represent, that the small tract of country lying immediately in the fork of the Mississippi and Des Moines rivers, and extending to the northern boundary of this State, when produced in a right line through the Des Moines to the Mississippi, has been ceded to the United States by the Sac and Fox Indians, by the treaty of the fourth of August, eighteen hundred and twenty-four, and is now held by the United States for the use and benefit of the half-blood descendants of those tribes. It has ceased to be *Indian land*, and is held by the nation for the use of individuals only, some of whom have been reared among us, and are as civilized and as well instructed as any of our citizens. The tract is small, being an acute angle between the rivers, and extending, according to common belief, about thirty miles from south to north. Considered in reference to its area only, it is of little moment either to this State or to the nation; but there are many considerations which give to it importance and value. It is a wedge in the corner of the State, disfiguring the form and destroying the compactness of our territory. The title is vested in the United States, and the usufruct belongs to a class of individuals who are incapable of establishing a separate Government for themselves, and can never be acknowledged as a State or nation. It borders upon the Mississippi for the greater part, perhaps the whole extent of the lower rapids of that river, and thus embraces a spot, which, in future times, will be of immense importance to the commerce and intercourse of the whole Western valley. Your memorialists anticipate the day when the obstructions to navigation will be overcome by a canal around those rapids; when the inexhaustible powers of that mighty stream will be applied to almost every variety of manufacturing machinery; and when a commercial city will spring up in that wilderness, to serve as the great entrepot of the Upper and Lower Mississippi.

With these views of the present condition and the future importance of that little section of country, and seeing the impossibility of conveniently attaching it, now or hereafter, to any other State, your memorialists consider it highly desirable, and indeed necessary, that it should be annexed to, and form a part of, the State of Missouri. And to the accomplishment of that desirable end we respectfully request the assent of Congress.

JOHN THORNTON,
Speaker of the House of Representatives.
DAN'L DUNKLIN,
President of the Senate.

January 13.—Returned, with the objections of the Governor.

January 17.—Passed, the Governor's objections notwithstanding.

J. H. BIRCH,
Secretary of the Senate.

Passed the House of Representatives, the objections of the Governor to the contrary notwithstanding.

SAMUEL C. OWENS,
Clerk of the House of Representatives.

I certify that the memorial contained in the five preceding pages is a correct copy of the original roll now on file in my office.

In testimony whereof, I have hereunto set my hand, and
[L. s.] affixed the seal of my office. Done at the city of Jefferson,
February 4, 1831.

JOHN C. EDWARDS,
Secretary of State of the State of Missouri.

To the Senate and House of Representatives of the United States :

The undersigned, citizens of the western part of the State of Missouri, respectfully represent, that, as they are informed (and they believe the information true) that part of the western line of the said State which, according to the act of Congress providing for the boundaries of the State, which was to have been run from the mouth of the Kansas river, north, to a certain point named, has been incorrectly run and marked, leaving out a considerable portion of valuable territory, which, according to the true boundaries of said State, falls within her limits; that when the true line shall have been established, there will remain, between the said line north of the Missouri and the meanderings of that river, a very fertile section of country, of the average breadth of from ten to fifteen miles, and about seventy or eighty miles in length: this tract of country your petitioners pray may be attached to, and form a part of, the State of Missouri, by extending the east and west line from the northwest corner of the State to the Nodoway river; thence, down said river, to the Missouri river; thence, down the main channel of the Missouri, to the mouth of the Kansas river.

Your petitioners beg leave to submit the following reasons in support

of their request: First. This is a small tract of country, which, by the course of the Missouri river, is cut off from the adjacent territory. The contemplated change would establish a natural boundary to about one-half of the western line of the State, thereby making the inroads of the savages upon the white settlements less practicable. The Indian title has been extinguished; (the Ioways living there by permission;) the country is unsuitable for the permanent location of Indians thereon; and by the detached situation of this tract of country, and the arrangements made to locate Indians on the west and opposite side of the river, it is unreasonable to suppose that a new territory will be organized in that quarter. The lands are fertile, and could readily be sold for a good price; and the frontier settlements would be greatly strengthened and secured against the attacks of the Indians.

Your petitioners cannot suppose that the Government will ever attempt to locate Indians on this tract. It is too small for any tribe; and, as the late Indian disturbances show the Indians residing there will be troublesome neighbors to the whites, what disposition then shall be made of it? Shall so beautiful and fertile a country remain a wilderness? Or shall the citizens who have located themselves in the western part of the State, and purchased of the United States lands at a high price, be deprived of an opportunity of strengthening their settlements? This last consideration is much heightened when it is borne in mind that the citizens of the western frontier are not only liable to the attacks of the more uncivilized Indians west of us, but they are exposed to the hostility of the Indians which the Government has placed on our western borders.

The undersigned, therefore, pray, that this subject may be taken into your most serious consideration, and that provision be made by law for establishing the line as herein set forth.

William B. Martin	Adam Black	William Leakey
Anderson Martin	John Bateman	Thomas Brewer
Wm. W. Burk	Samuel Prewit	Thomas Martin
Isaac Cox	Daniel Patton	William Wilkinson
Robert G. Mitchell	Robert Prichard	Hiram Stone
John Conner	O. H. Searcy	Henry Hill
S. J. Miller	William Childers	John Scott
Wm. McGaugh	Jesse Tevault	John Keeney
G. W. Marquis	Joseph Allison	John C. Wood
Joel Jacobs	Charles Parmer	Zachariah Lee
Wm. S. Miller	Thomas Mason	Abraham Endsley
John Woolard	Thos. Hardwick	Matthias H. Allisen
William Thornton	James Shelton	James Lee
Wm. West	Joshua Leakiff	Isaac Allen
John S. Wilkinson	Christopher Taylor	Robert Gragg
Isaac Stevenson	John T. Young	Reuben Riggs
Milford Donoho	Henry Jacobs	Wm. P. Thompson
John Sidders	Stephen Brewer	John Dodson
Hugh Vallandigham	James Holmead	James T. Readry
William Bowman	Thomas W. Jacobs	T. N. Aubrey
Peter Resaw	Samuel K. Meljee	Perry Moppin
Daniel Devaul	Daniel Parker	Adam Remley

Merryman Shelton	Henry Lile	William Grosslin
John Elliott	Larkin Standley	Thomas Fields
John Splawn	Adriel King	John Drake
J. H. Snowden	James Standley	Thomas Atkinson
Jacob Remley	John Standley	Robert Dawdon
Wiley Bright	James S. Ball	Hardly Holman
Henry Hine	John Glaze	John Stone
Robert Goode	Levin Brooksher	James Hornback
Thomas Edwards	Noble Gae	John Wells
John B. Hines	William Goode	William Mann
John Stokes	Daniel Shackley	Dawson B. Rockhole
William Lineille	Campbell Atkins	Owen Creason
James E. Patton	Jerry B. Stone	D. H. Neel
John S. Douglass	Jos. H. Ball	Thomas English
John Hendricks	James W. Smith	Allen Goode
James Moppin	Robert K. McGee	Willis Elliot
Reuben Goode	John Shackelford	Henry Gist
William Preurt	Henry Morgan	William Black
Hiram Teany	John Turner	James Coats
Steven Jacobs	Robert Graham	William Bryan
Samuel Snowden	Benjamin Nichols	Jacob Snowden
David Hendrix	William Tinney	David Snowden
James Snowden, sen.	M. Cunningham	Bolsen N. Hines
Mansfield Wallis	Joel Pruitt	James C. Brewerly
Alex. M. Harwood	John Riffe, jun.	Henry Hunter
Maliki Lile	John N. Akers	Isaac Martin
Lorton Cox	Elijah Curtis	David Riffe
Robert McGaugh	Joseph Brockman	A. B. Smith
David West	Samuel J. Shields	James Hervy Bryan
George Lile	John Riffe	Samuel Tarwater
David J. Marquis	James Brown	John Aull
James Jordan	George Rhodes	Culberson Jack
Evan T. Grubbe	Charles Lucas	Amos Rees
Theodore Mayberry	Henry Brown	
Joseph Cox	John Endsley	

JANUARY 14, 1832.

Read, and, with the bill, (No. 615,) committed to the Committee of the Whole House on the state of the Union.

Mr. KERR, from the Committee on the Territories, to which the subject had been referred, made the following report :

The Committee on the Territories, to which were referred the petition of sundry citizens of the State of Missouri, and the memorial of the General Assembly of that State, beg leave to report :

The memorialists represent, that, in running the western boundary line of the State of Missouri, from the mouth of the Arkansas river north, to a certain point named, an error was committed, by which a considerable

portion of valuable territory belonging to Missouri, according to the true boundaries of the State, is left out; that, when the true line shall have been established, there will remain between the said line, north of the Missouri, and the meanderings of that river, a very valuable section of country, of an average breadth of ten or fifteen miles, and seventy or eighty miles in length; and they pray that this tract of country may be attached to, and form a part of, the State of Missouri, by extending the east and west boundary line from the northwest corner of the State, west, to the Missouri river, and thence, down the main channel of that river, to the mouth of the Kansas river. The memorialists further represent, that there is a small tract of country, which, by the course of the Missouri river, is cut off from the adjacent territory; that the contemplated change would establish a natural boundary to about one-half of the western limits of the State, thereby making the inroads of the Indians upon the white settlements less practicable. The committee, on due consideration of this subject, recommend the proposed cession and confirmation of territory to the State of Missouri; and, to effect that object, report a bill.